

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2016 Legislative Session

Bill No. CB-3-2016

Chapter No. _____

Proposed and Presented by Council Members Lehman, Taveras, Turner, Glaros, Franklin

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Residential, Commercial, and Industrial Zones – Table of Uses – Hydraulic Fracturing
 3 For the purpose of amending the Residential Table of Uses, the Commercial Table of Uses, the
 4 Industrial Table of Uses and the Zoning Ordinance to prohibit the mining and exploration of
 5 natural gas by hydraulic fracturing in the Residential, Commercial and Industrial Zones in the
 6 County.

7 BY adding:

8 Sections 27-445.02.01, 27-464.01.02, 27-475.01.02,
 9 The Zoning Ordinance of Prince George's County, Maryland,
 10 being also
 11 SUBTITLE 27. ZONING.
 12 The Prince George's County Code
 13 (2015 Edition).

14 BY repealing and reenacting with amendments:

15 Sections 27-441(b), 27-461(b), 27-473(b),
 16 The Zoning Ordinance of Prince George's County, Maryland,
 17 being also
 18 SUBTITLE 27. ZONING.
 19 The Prince George's County Code
 20 (2015 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that Sections 27-445.02.01, 27-464.01.02, and 27-475.01.02, of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby added:

SUBTITLE 27. ZONING.

PART 5. RESIDENTIAL ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Sec. 27-445.02.01. Mining, Excavation – Hydraulic Fracturing.

(a) Definitions.

Hydraulic fracturing means a drilling technique that expands existing fractures or creates new fractures in rock by injecting fluids, often a mixture of water and chemicals, sand, or other substances, and often under pressure, into or underneath the surface of the rock for purposes that include well drilling and the exploration or production of natural gas. Hydraulic fracturing includes fracking, hydrofracking, and hydrofracturing.

Flow back is the fracturing fluids that return to the surface after a hydraulic fracture is completed.

(b) Purposes.

The purposes of this Section are to prevent the detrimental economic, environmental, and public health effects of hydraulic fracturing upon neighboring properties, and existing and proposed land uses within Residential, Commercial and Industrial Zones in the County. The prohibition seeks to ensure the health, safety and welfare of the residents of the County.

(c) Prohibition.

A person may not engage in the hydraulic fracturing of a well for the exploration or production of natural gas in the County. In addition, there is a prohibition against the storage, treatment, transfer, production materials, support activities and disposal of flow back, wastewater, or drill cuttings in the County generated by hydraulic fracturing.

SUBTITLE 27. ZONING.

PART 6. COMMERCIAL ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Sec. 27-464.01.02 Mining, Excavation – Hydraulic Fracturing.

(a) Definitions.

Hydraulic fracturing means a drilling technique that expands existing fractures or creates new fractures in rock by injecting fluids, often a mixture of water and chemicals, sand, or other substances, and often under pressure, into or underneath the surface of the rock for purposes that include well drilling and the exploration or production of natural gas. Hydraulic fracturing includes fracking, hydrofracking, and hydrofracturing.

Flow back is the fracturing fluids that return to the surface after a hydraulic fracture is completed.

(b) Purposes.

The purposes of this Section are to prevent the detrimental economic, environmental, and public health effects of hydraulic fracturing upon neighboring properties, and existing and proposed land uses within Residential, Commercial and Industrial Zones in the County. The prohibition seeks to ensure the health, safety and welfare of the residents of the County.

(c) Prohibition.

A person may not engage in the hydraulic fracturing of a well for the exploration or production of natural gas in the County. In addition, there is a prohibition against the storage, treatment, transfer, production materials, support activities and disposal of flow back, wastewater, or drill cuttings in the County generated by hydraulic fracturing.

SUBTITLE 27. ZONING.**PART 7. INDUSTRIAL ZONES.****DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.****Sec. 27-475.01.02 Mining, Excavation – Hydraulic Fracturing.****(a) Definitions.**

Hydraulic fracturing means a drilling technique that expands existing fractures or creates new fractures in rock by injecting fluids, often a mixture of water and chemicals, sand, or other substances, and often under pressure, into or underneath the surface of the rock for purposes that include well drilling and the exploration or production of natural gas. Hydraulic fracturing includes fracking, hydrofracking, and hydrofracturing.

Flow back is the fracturing fluids that return to the surface after a hydraulic fracture is completed.

(b) Purposes.

1 The purposes of this Section are to prevent the detrimental economic, environmental, and
2 public health effects of hydraulic fracturing upon neighboring properties, and existing and
3 proposed land uses within Residential, Commercial and Industrial Zones in the County. The
4 prohibition seeks to ensure the health, safety and welfare of the residents of the County.

5 **(c) Prohibition.**

6 A person may not engage in the hydraulic fracturing of a well for the exploration or
7 production of natural gas in the County. In addition, there is a prohibition against the storage,
8 treatment, transfer, production materials, support activities and disposal of flow back,
9 wastewater, or drill cuttings in the County generated by hydraulic fracturing.

10 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
11 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
12 District in Prince George's County, Maryland, that Sections 27-441(b), 27-461(b), and 27-473(b)
13 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the
14 Prince George's County Code, be and the same are hereby repealed and reenacted with the
15 following amendments:

SUBTITLE 27. ZONING.
PART 5. RESIDENTIAL ZONES.
DIVISION 3. USES PERMITTED.

Sec. 27-441. Uses permitted.

(b) TABLE OF USES.

USE	ZONE								
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20
(7) RESOURCE PRODUCTION/RECOVERY:									
* * * * *	*	*	*	*	*	*	*	*	*
Surface Mining, in accordance with Section 27-445.02	SE	SE	SE	SE	SE	SE	SE	SE	SE
<u>Mining, Excavation – Hydraulic Fracturing</u>	X^{106}	X^{106}	X^{106}	X^{106}	X^{106}	X^{106}	X^{106}	X^{106}	X^{106}
* * * * *	*	*	*	*	*	*	*	*	*

USE	ZONE							
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H
(7) RESOURCE PRODUCTION/RECOVERY:								
* * * * *	*	*	*	*	*	*	*	*
Surface Mining, in accordance with Section 27-445.02	SE	SE	SE	SE	SE	SE	SE	SE
<u>Mining, Excavation – Hydraulic Fracturing</u>	X^{106}	X^{106}	X^{106}	X^{106}	X^{106}	X^{106}	X^{106}	X^{106}
* * * * *	*	*	*	*	*	*	*	*

60 A person is prohibited from engaging in the hydraulic fracturing of a well for the exploration or production or natural gas in Prince George's County.

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SUBTITLE 27. ZONING.
PART 6. COMMERCIAL ZONES.
DIVISION 3. USES PERMITTED.

Sec. 27-461. Uses permitted.

(b) TABLE OF USES I.

USE	ZONE					
	C-O	C-A	C-S-C	C-W	C-M	C-R-C
(7) RESOURCE PRODUCTION/RECOVERY:						
* * * * *	*	*	*	*	*	*
Surface mining	SE	SE	SE	X	SE	X
<u>Mining, Excavation – Hydraulic Fracturing</u>	<u>X⁶¹</u>	<u>X⁶¹</u>	<u>X⁶¹</u>	<u>X⁶¹</u>	<u>X⁶¹</u>	<u>X⁶¹</u>
* * * * *	*	*	*	*	*	*

61 A person is prohibited from engaging in the hydraulic fracturing of a well for the exploration or production or natural gas in Prince George's County.

* * * * *

SUBTITLE 27. ZONING.
PART 7. INDUSTRIAL ZONES.
DIVISION 3. USES PERMITTED.

Sec. 27-473. Uses permitted.

(b) TABLE OF USES.

USE	ZONE				
	I-1 ³³	I-2 ³³	I-3	I-4	U-L-I
(8) RESOURCE PRODUCTION/RECOVERY:					
* * * * *	*	*	*	*	*
Surface mining	SE	SE	SE	SE	X
<u>Mining, Excavation – Hydraulic Fracturing</u>	<u>X⁶⁰</u>	<u>X⁶⁰</u>	<u>X⁶⁰</u>	<u>X⁶⁰</u>	<u>X⁶⁰</u>
* * * * *	*	*	*	*	*

60 A person is prohibited from engaging in the hydraulic fracturing of a well for the exploration or production or natural gas in Prince George's County.

* * * * *

SECTION 3. BE IT FURTHER ENACTED that the provisions of this Ordinance are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase or word of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such as invalidity or unconstitutionality, shall not affect the remaining words, phrases, clauses, sentences, subparagraphs paragraphs, subsections or sections of this Ordinance, since the same would have been enacted without the incorporation in this Ordinance of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall take effect on the date of its adoption.

Adopted this ____ day of _____, 2016.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Derrick L. Davis
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Keep Prince George's Gorgeous

Ban Fracking to Protect Our Climate, Our Health, and Our Economy!

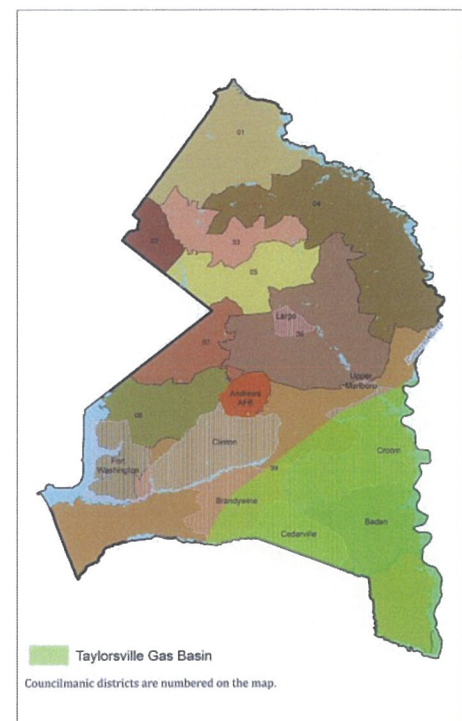
Hydraulic fracturing, or fracking, involves extracting methane gas from porous, shale rock deep in the earth. A mixture of toxic chemicals, many of them known human carcinogens, is injected into the drilling wells with water at very high pressure to fracture the rock and release the natural gas.

In neighboring states and across the nation, evidence is mounting that fracking for natural gas leads to polluted air and water, serious health problems, earthquakes and economic losses for local communities - all while worsening climate change.

In Maryland, a growing grassroots movement has kept fracking at bay — for now. In the 2015 Maryland General Assembly, CCAN worked with over 100 groups in the Don't Frack Maryland Coalition to put a 2.5 year moratorium on fracking. Thanks to thousands of emails and calls, lobby, meetings, actions and more, Governor Larry Hogan let HB 449 become law on May 29th, 2015. This bill puts a hold on drilling in Maryland until October 2017. But the gas industry is already maneuvering to put fracking on the fast-track as soon as the moratorium lifts. And they have their eye on Prince George's County.

The Taylorsville gas basin spreads from Virginia, past Upper Marlboro, to Annapolis, covering nearly a third of the surface area of Prince George's County (see map). A Texas company has already leased 84,000 acres of land for fracking just across the Potomac River in the Virginia portion of this basin. When Maryland's two-year moratorium expires, drilling in Prince George's could soon follow.

Prince George's County, Maryland



Source: US Geological Survey 2010; E.O. Carver, 2014; Prince George's County Planning Department, Councilmanic Districts, 2014 Edition



What could fracking mean for Prince George's?

Fracking's impacts on drinking water

Fracking poses risks to both the quantity and quality of water in the parts of Prince George's County that lie above the Taylorsville Basin.

Most of the area is outside the coverage of the Washington Suburban Sanitary Commission and reliant on wells for drinking water.

According to county permit records, there are an estimated 4,274 wells used for drinking water, 221 used for irrigation, and 99 for farming in the part of the County overlaying the Taylorsville Basin.

- Each fracking well uses 4-15 million gallons of clean water to drill. Gas companies usually draw that water from nearby sources, which can contribute to water scarcity for other uses, like drinking water and farming
- Drinking water and other wells are at risk of contamination from fracking chemicals that leak from underground drilling into nearby groundwater reservoirs and from storage of fracking water in pits at the surface.



Residents and businesses in the affected area could experience a one-two punch of having limited water sources drained for fracking and then polluted afterwards with toxic, carcinogenic chemicals used during the drilling process.

Fracking's impacts on real estate values

Prince George's was one of the hardest hit counties in the country coming out of the 2008 recession. It has made a slow recovery from the subprime mortgage housing collapse. However, in a new study the University of Denver found that homes within a mile of drilling activity fell in value as much as 15%! It goes without saying that the market value of a home or business with a contaminated well from fracking is dramatically less.

Fracking's impacts on the climate

A new wave of scientific evidence shows that fracked gas, comprised mostly of methane, leaks into the atmosphere during drilling and piping. Because methane is 84 times more heat-trapped of a greenhouse gas compared to carbon dioxide over a 20-year time frame, this means a spike in fracking drastically accelerates climate change. Maryland, with its growing coastal population and economic activity in the Chesapeake Bay, is particularly vulnerable to feeling the effects of climate change by way of sea level rise and dangerous storms.

How we can protect Prince George's:

There is a growing movement to ban fracking within this dynamic, vibrant part of Maryland.

Visit chesapeakeclimate.org/fracking,

or email monique@chesapeakeclimate.org to get involved!